

### **REMARKS**

In the September 30, 2009 Office Action, all of pending claims 1 and 4-6 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the September 30, 2009 Office Action, Applicant has amended claims 1, 5 and 6 as indicated above. Thus, claims 1 and 4-6 are pending, with claims 1, 5 and 6 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Rejections - 35 U.S.C. § 103***

On pages 2-6 of the Office Action, claims 1 and 4-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,666,015 (Uchibori et al.) in view of U.S. Patent No. 2,321,755 (Kost) and in further view of U.S. Patent No. 3,505,923 (Neill). In response, Applicant has amended independent claims 1, 5 and 6 to more clearly define the present invention over the prior art, as explained below.

#### **Claims 1, 4 and 6**

Independent claims 1 and 6 now require, *inter alia*, the projection including a projected part projected from the through hole of the oil separation plate and including a cone-shaped recess with a diameter that gradually decreases downward on an upper face of the projection, the projection being partly crushed to remain a portion of the cone-shaped recess and to integrate the oil separation plate with the end plate, a bottom portion of the cone-shaped recess existing in a state of the projection being crushed. Clearly this arrangement is **not** disclosed or suggested by the Uchibori et al. patent, the Kost patent and/or the Neill patent, singularly or in combination.

The Uchibori et al. patent lacks a projection that is crushed whatsoever, as acknowledged in the Office Action. The Kost patent is relied upon to disclose an integrally formed boss inserted in an aperture of another panel and then flattened to create a connection.

However, the Kost patent lacks a recess formed in the upper surface of the projection, as acknowledged in the Office Action. Therefore, the Office Action relies on the Neill patent to allegedly disclose such a recess as set forth in the claims. However, the Neill patent fails to disclose or suggest a bottom portion of the cone-shaped recess existing in a state of the projection being crushed. Rather, in the Neill patent, the recess 32 is deformed when swaged so that the recess 32 is defined by the bottom surface 34 and the radiused side wall 36 (column 3, lines 18-19) and does not include the conical surface 40 (column 3, lines 23-25). In other words, the conical 40 is completely deformed and disappears after swaging. See Figure 7 (after swaging), Figures 4, 6 and 9 (before swaging), and column 2 lines 53-67. Similarly, the conical surface 18 is completely deformed so that a bottom portion of the cone-shaped recess does *not* exist in a state of the projection being crushed, as now required by independent claims 1 and 6. Thus, even if the Uchibori et al. patent, the Kost patent and the Neill patent were somehow combined as suggested in the Office Action, the hypothetical device would not include all of the features of independent claim 1 as now amended. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Also, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for further modifying the hypothetical device created by the combination to somehow result in the Applicants' unique arrangement of the projection including a projected part projected from the through hole of the oil separation plate and including a cone-shaped recess with a diameter that gradually decreases downward on an upper face of the projection, the projection being partly crushed to remain a portion of the cone-shaped recess and to integrate the oil separation plate with the end plate, a bottom portion of the cone-shaped recess existing in a state of the projection being crushed. Accordingly, withdrawal of this rejection of independent claims 1 and 6 is respectfully requested.

Moreover, Applicant believes that dependent claim 4 is also allowable over the prior art of record in that they depend from independent claim 1, and therefore is allowable for the reasons stated above. Also, dependent claim 4 is further allowable because it includes additional limitations, which in combination with the limitations of independent claim 1, are

not disclosed or suggested in the prior art. Accordingly, withdrawal of this rejection of dependent claim 4 is also respectfully requested.

Claim 5

Independent claim 5 now requires, *inter alia*, crushing a projected part of the projection from the through hole except for a portion of the cone-shaped recess on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate such that a bottom portion of the cone-shaped recess exists in a state of the projection being crushed. Clearly this arrangement is *not* disclosed or suggested by the Uchibori et al. patent, the Kost patent and/or the Neill patent, singularly or in combination.

The Uchibori et al. patent lacks a projection that is crushed whatsoever, as acknowledged in the Office Action. The Kost patent is relied upon to disclose an integrally formed boss inserted in an aperture of another panel and then flattened to create a connection. However, the Kost patent lacks a recess formed in the upper surface of the projection, as acknowledged in the Office Action. Therefore, the Office Action relies on the Neill patent to allegedly disclose such a recess as set forth in the claims. However, the Neill patent fails to disclose or suggest crushing a projected part of the projection from the through hole *except for a portion of the cone-shaped recess* on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate. Moreover, in the Neill patent, the recess 32 is deformed when swaged so that the recess 32 is defined by the bottom surface 34 and the radiused side wall 36 (column 3, lines 18-19) and does not include the conical surface 40 (column 3, lines 23-25). In other words, the conical 40 is completely deformed and disappears after swaging. See Figure 7 (after swaging), Figures 4, 6 and 9 (before swaging), and column 2 lines 53-67. Similarly, the conical surface 18 is completely deformed so that a bottom portion of the cone-shaped recess does *not* exist in a state of the projection being crushed, as now required by independent claim 5. Thus, even if the Uchibori et al. patent, the Kost patent and the Neill patent were somehow combined as suggested in the Office Action, the hypothetical device would not include all of the features of independent claim 5 as now amended. Accordingly, withdrawal of this rejection of independent claim 5 is respectfully requested.

Also, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for further modifying the hypothetical device created by the combination to somehow result in the Applicants' unique arrangement of *crushing a projected part of the projection from the through hole except for a portion of the cone-shaped recess* on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate *such that a bottom portion of the cone-shaped recess exists in a state of the projection being crushed.* Accordingly, withdrawal of this rejection of independent claim 5 is respectfully requested.

#### *Response to Arguments*

In response to pages 6-7 of the Office Action, Applicant notes that in the Neill patent, the recess 32 is deformed when swaged so that the recess 32 is defined by the bottom surface 34 and the radiused side wall 36 (column 3, lines 18-19) and does not include the conical surface 40 (column 3, lines 23-25). In other words, the conical 40 is completely deformed and disappears after swaging. See Figure 7 (after swaging), Figures 4, 6 and 9 (before swaging), and column 2 lines 53-67. Similarly, the conical surface 18 is completely deformed so that a bottom portion of the cone-shaped recess does *not* exist in a state of the projection being crushed, as now required by the independent claims.

Appl. No. 10/587,451  
Amendment dated January 29, 2010  
Reply to Office Action of September 30, 2009

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1 and 4-6 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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